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WALLA WALLA CITY COUNCIL
Work Session Agenda
February 22, 2022 (**TUESDAY**) - 4:00 p.m.
(Monday is a holiday)

Due to COVID-19 there is limited seating in the Council Chambers and masks are required. Members of the public are invited to view the live video stream of the electronic meeting from the City's website at <https://www.wallawallawa.gov/government/city-council>, may attend by clicking this [Zoom meeting link](#) or may listen to the meeting by calling 253-215-8782 and entering meeting ID 811 4492 8722#

Mission: Dedicated to enhancing the quality of life in Walla Walla.

1. CALL TO ORDER
2. ACTIVE AGENDA
 - A. **30min** Presentation on the City's approach to cybersecurity.
 - B. **45min** Pioneer Park Pedestrian Improvements
 - C. **30min** Civil Service Exemptions
3. OTHER BUSINESS
4. ADJOURNMENT

Values: Service, Integrity, Collaboration, Equity, Leadership, and Community

The City of Walla Walla complies with Title VI, ADA, and other applicable Federal civil rights laws and does not discriminate on the basis of race, color, national origin, age, disability, religion, veteran status, sexual orientation, gender identity, or sex.



ar-4531

30min

City Council - Work Session

Meeting Date: 02/22/2022

Item Title: Cybersecurity

Submitted For: Chris Owen, Technology Services Department

Add'l Contributors:

Project No:

Funding/BARS No.:

Financial Comments:

N/a

Information

HISTORY:

Cybersecurity incidents continue to occur at an unprecedented rate. This presentation will discuss how this has affected other local governments and discuss some security practices for the City of Walla Walla.

The presentation will cover:

- Statistics/Facts
- Incidents
- Consequences
- City's approach to protect against cybersecurity
- What can you do?

CITY MANAGER COMMENTS:

Approved for City Council workshop discussion.

Attachments

No file(s) attached.



ar-4562

45min

City Council - Work Session

Meeting Date: 02/22/2022

Item Title: Pioneer Park Pedestrian Improvements

Submitted For: Andy Coleman, Parks and Recreation, Parks Administration

Add'l Contributors:

Project No:

Funding/BARS No.:

Financial Comments:

All identified work is estimated to cost approximately \$1 million. It is possible for the work to be completed in phases. See presentation for additional information.

Information

HISTORY:

See attached presentation that will be delivered by Adam Klein, Engineer, and Andy Coleman, Parks & Recreation Director.

POLICY ISSUES:

Does City Council desire to allocate funds for the proposed improvements ahead of what the Capital Improvement Plan indicates? The current schedule shows this work being completed in 2025.

PLAN COMPLIANCE:

STRATEGIC PLAN:

Strategic Initiative 2 - Fix and improve the City's Infrastructure

Objective 2 - Continue work on the City's Transportation Network (e.g. streets, sidewalks, bridges, etc.).

COMPREHENSIVE PLAN:

TRANSPORTATION GOAL 1 - Promote and develop transportation systems that support and enhance the movement of people and goods to ensure a prosperous economy.

TP Policy 1.3 - Provide facilities for all modes of transportation.

TRANSPORTATION GOAL 3 - Provide all users with complete streets that connect the City of Walla Walla's neighborhoods, parks, schools, employment centers, and retail areas.

TP Policy 3.5 - Improve multimodal connections to community facilities and amenities (e.g., neighborhoods, parks, schools).

TRANSPORTATION GOAL 5 - Design and construct transportation facilities in a manner that enhances the livability of the City of Walla Walla and health of its residents.

CAPITAL FACILITIES AND UTILITIES GOAL 2 - Capital facilities and utilities are located in such a way as to provide safe and efficient service to all residents.

CFU Policy 2.3 - Design and distribute public facilities and services, including streets and utilities, to ensure equitable supply and access to all segments of the population.

CFU Policy 2.4 - When siting new housing, take into consideration accessibility to community facilities and

services, including schools, recreational facilities.

ALTERNATIVES:

The options include:

- Choose to fund all identified improvements
- Choose to prioritize the improvements and fund them incrementally
- Choose not fund fund any of the proposed improvements

CITY MANAGER COMMENTS:

Approved for City Council workshop discussion.

Attachments

Presentation

PIONEER PARK PEDESTRIAN IMPROVEMENTS

CITY COUNCIL WORK SESSION

2/22/2022

PRESENTED BY:

Adam Klein, Civil Engineer I

wallawallawa.gov

PRESENTATION OUTLINE

- 1) ADA Transition Overview
- 2) Feedback related to Pioneer Park
- 3) Overview of identified improvements needs
- 4) Plans & Pictures
- 5) Project Estimate
- 6) Next Steps

ADA TRANSITION PLAN SUMMARY



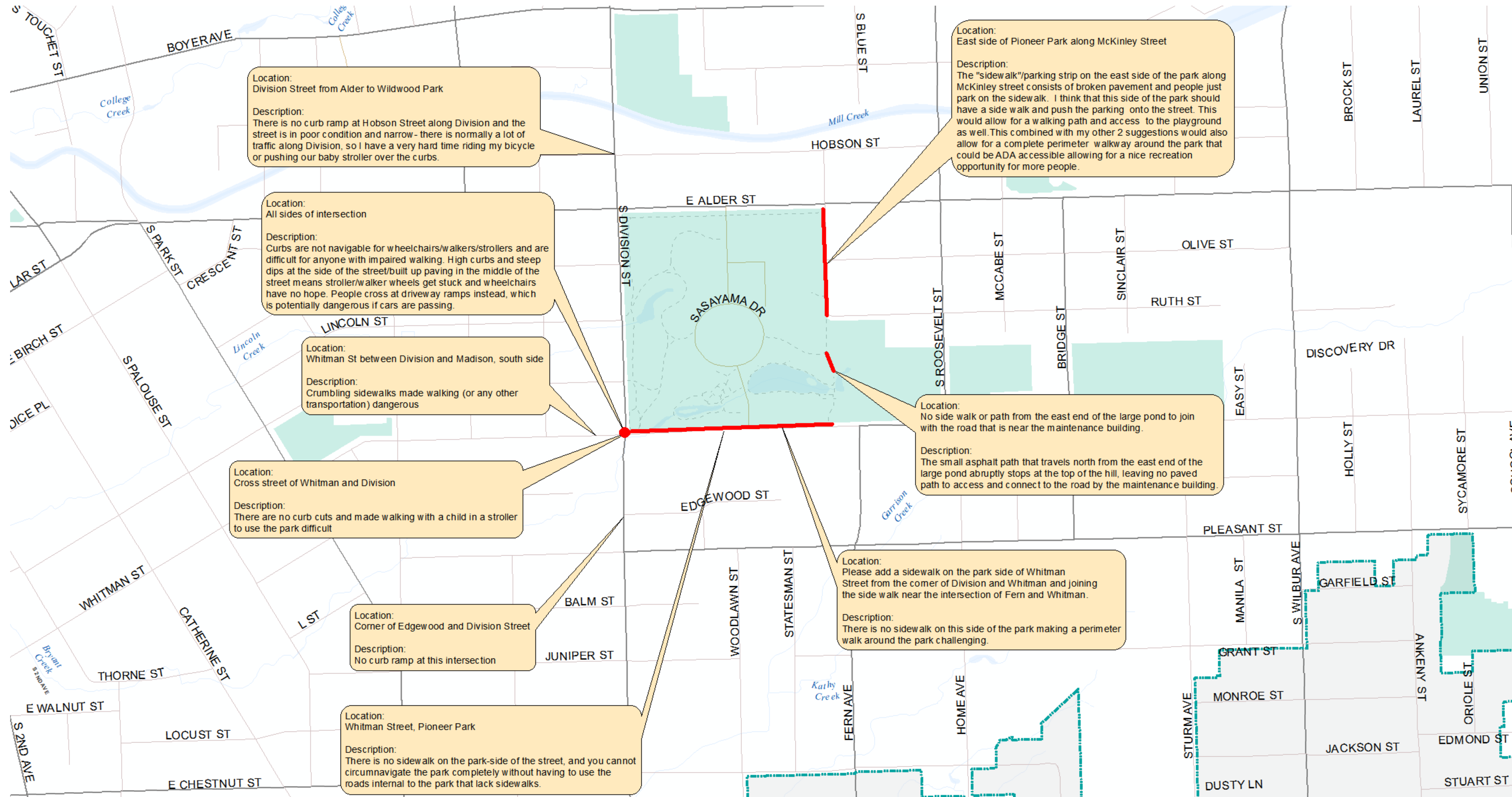
- The City of Walla Walla is required to have an ADA self-assessment and transition plan
- Plan completed in 2020
- The City requested input using an English and Spanish survey via –
 - Social Media
 - Emails/City Notifications
 - Online Open House
 - Physically shared surveys with the Senior Center, Local hospitals, WW Latino Alliance, WW Information kiosk

ADA TRANSITION PLAN AND PIONEER PARK

- **City received 139 comments from outreach efforts**
- **9 comments in the vicinity of Pioneer Park**
- **6 comments directly related to Pioneer Park**
- **Pioneer Park was the only City property to receive comments.**



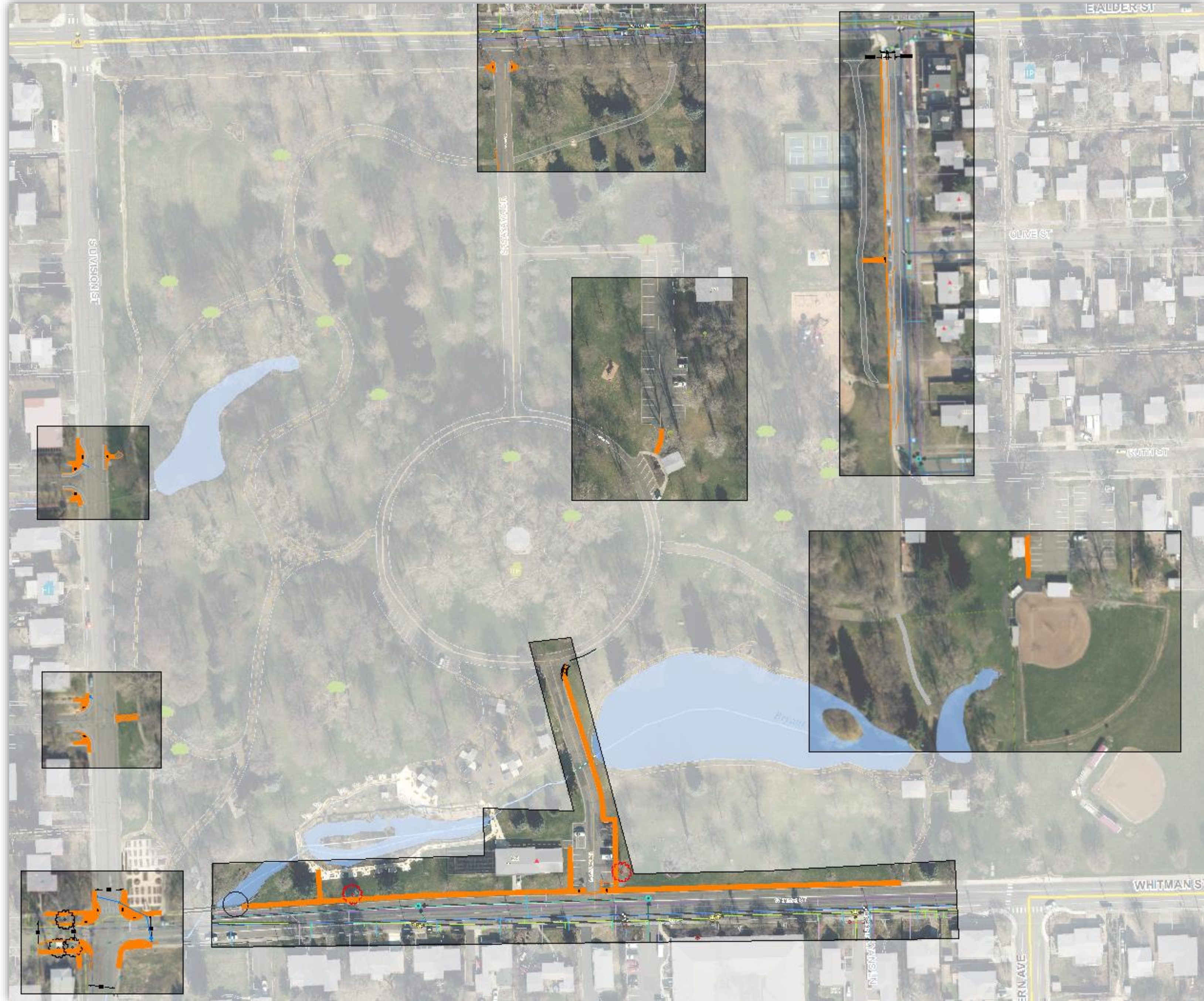
PIONEER PARK VICINITY COMMENTS



FIELD VISIT

- Staff reviewed locations where comments were received
- Parks Staff provided additional input on pedestrian improvement needs
- Public input and staff knowledge was used to scope planned improvements

OVERVIEW





SHARED USE PATH / MCKINLEY PARKING







WHITMAN ST SIDEWALK INFILL





DIVISION AND WHITMAN INTERSECTION

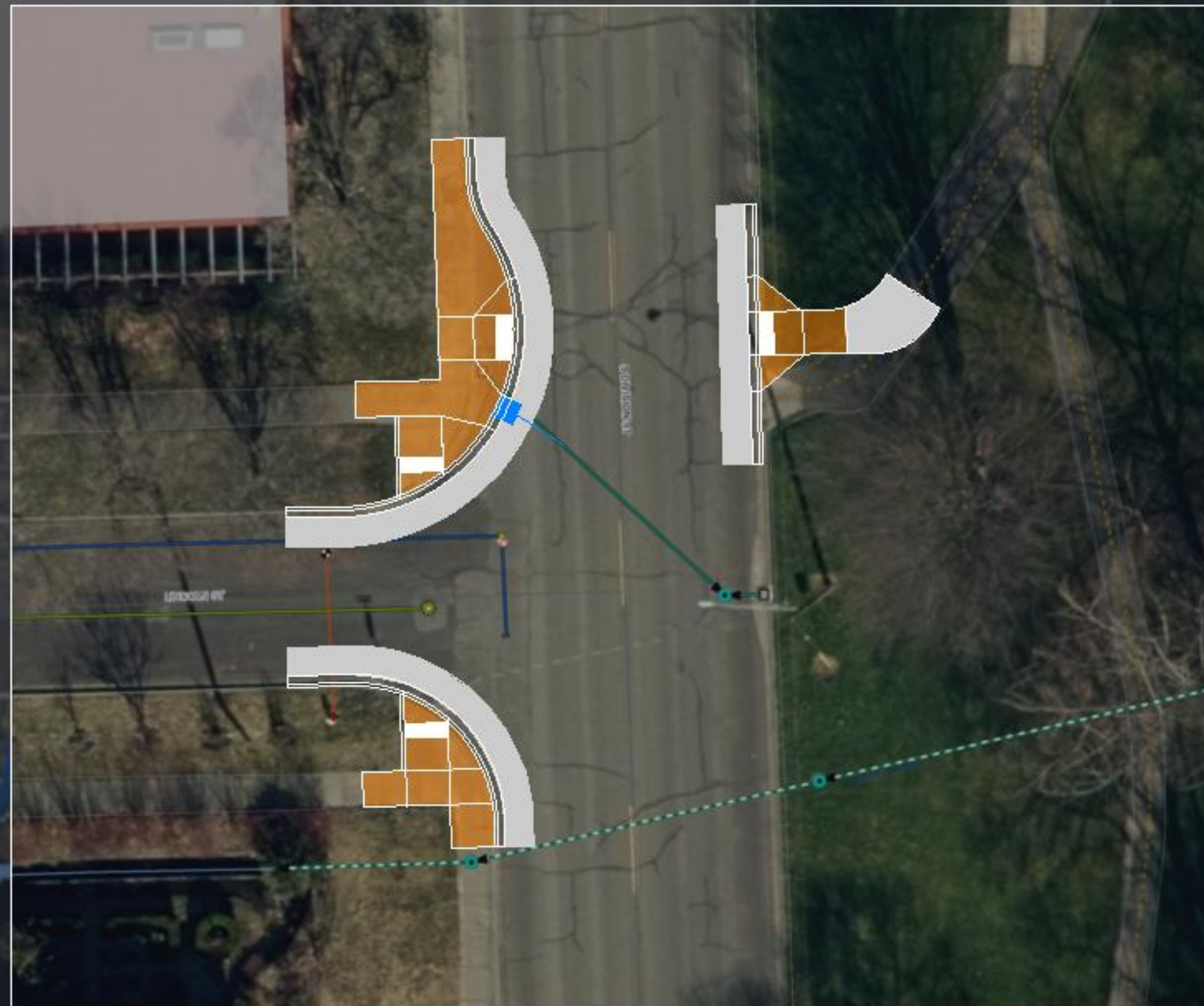
\$215,000





DIVISION AND LINCOLN INTERSECTION

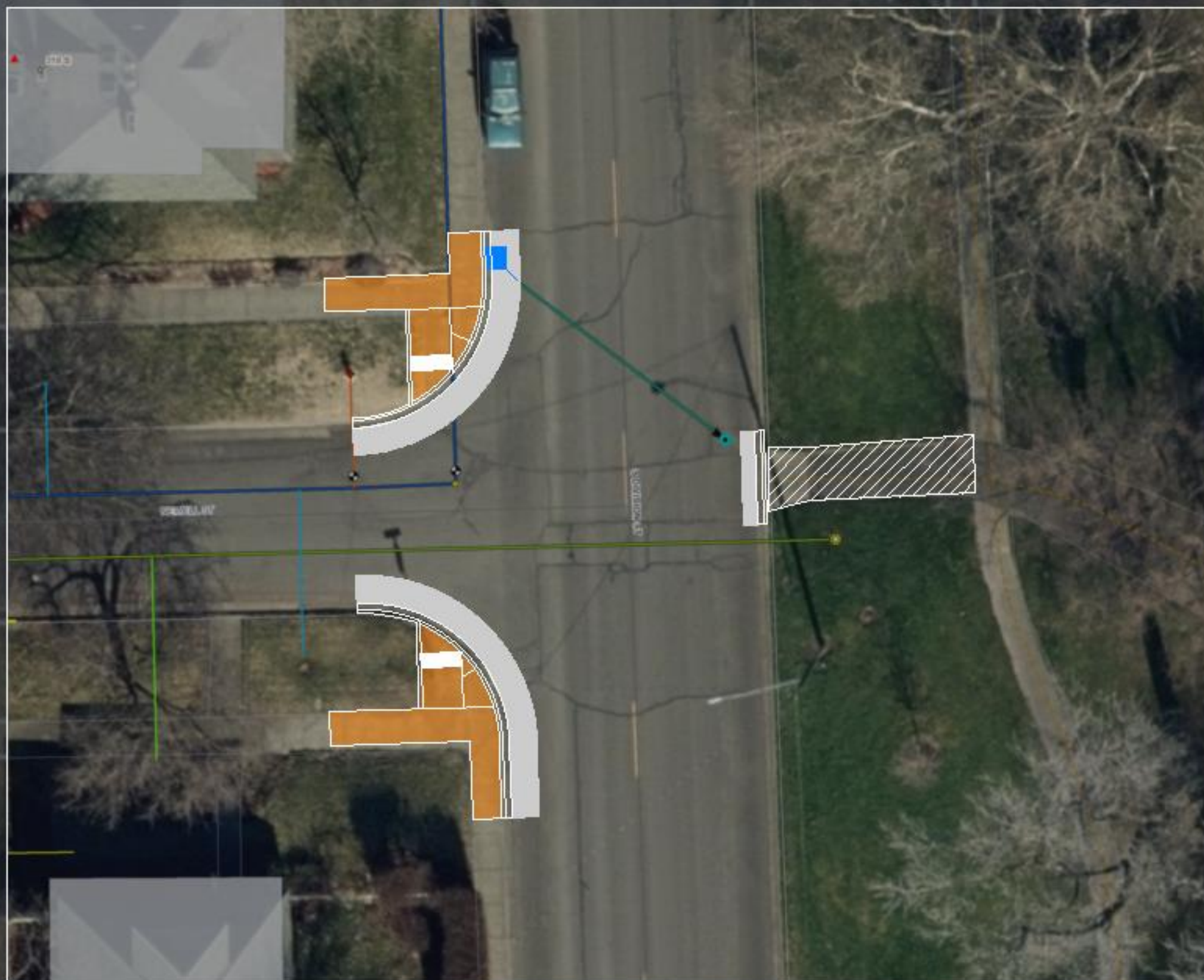
\$55,000





DIVISION AND NEWELL INTERSECTION

\$30,000



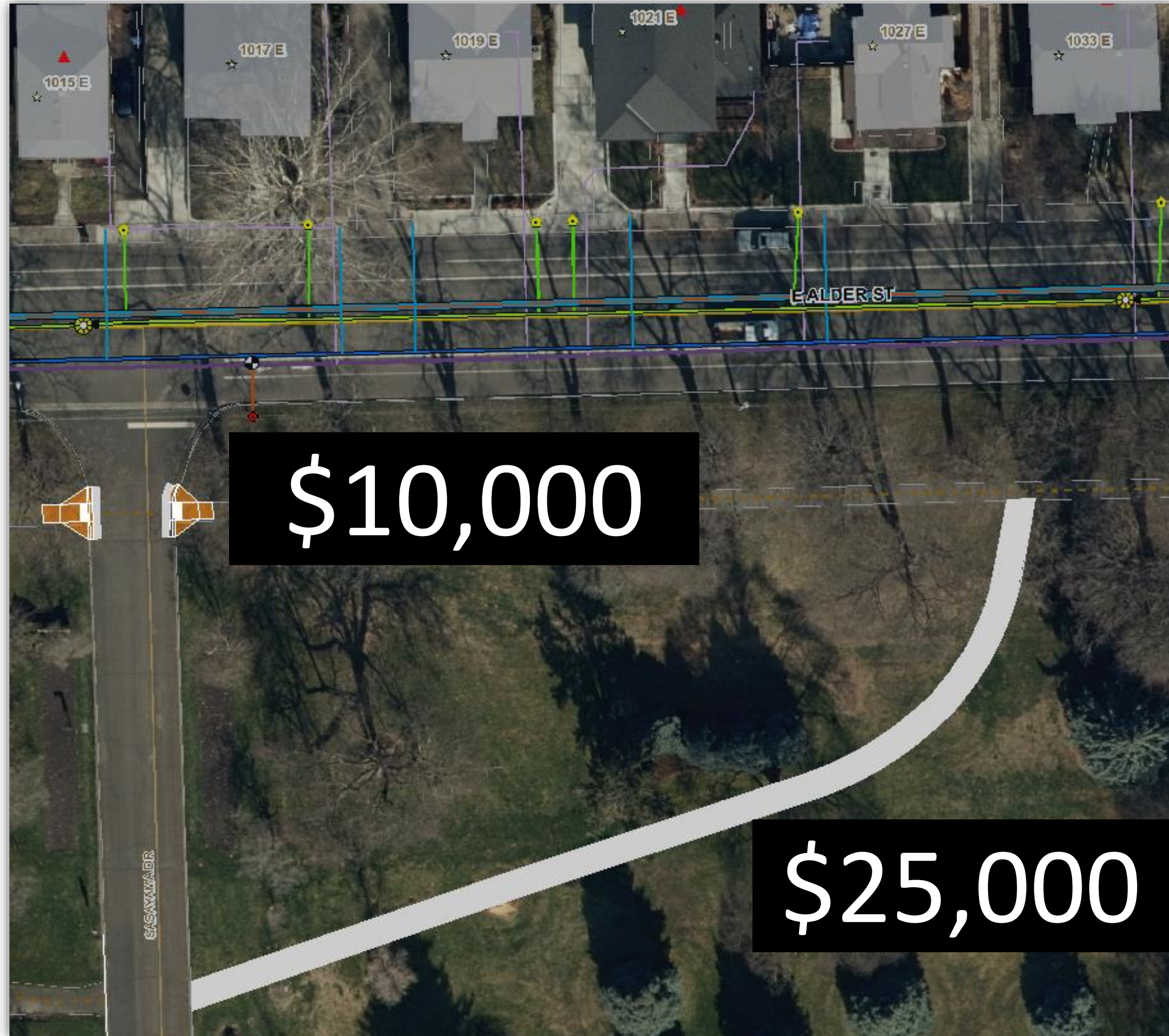


SASAYMA DR RESTROOM ACCESS





SASAYAMA ADA RAMPS AND SHARED USE PATH





SOFTBALL FIELD RESTROOM ACCESS





SOUTH ENTRANCE SIDEWALK INFILL





POND PATH NEAR SOFTBALL FIELDS





TBD - POND WALL RESTORATION



TBD – EXISTING SHARED USE PATHS





ESTIMATE

PRIORITY	LOCATION	COST
1	MCKINLEY SHARED USE PATH	\$ 50,000
2	WHITMAN SIDEWALK INFILL	\$ 120,000
3	DIVISION-WHITMAN INTERSECTION	\$ 215,000
4	MCKINLEY PARKING	\$ 200,000
	DIVISION-LINCOLN INTERSECTION	\$ 55,000
	DIVISION-NEWELL INTERSECTION	\$ 30,000
	ADA SW TO RESTROOMS MAIN	\$ 7,500
	SASAYAMA ADA RAMPS	\$ 10,000
	ADA SW TO RESTROOMS SOFTBALL	\$ 15,000
	WHITMAN ENTRANCE SIDEWALK INFILL	\$ 65,000
	POND SHARED USE PATH CONNECTION	\$ 15,000
	SASAYAMA SHARED USE PATH	\$ 25,000
	CONSTRUCTION ESTIMATE	\$ 807,500
	SURVEY, ENGINEERING, CONSTRUCTION MANAGEMENT	\$ 165,000
	TOTAL EXCLUDING POND WALLS	\$ 972,500

NEXT STEPS

- Feedback from council on priorities
- Feedback from council on current project timeline
- Determine available funding



ar-4581

30min

City Council - Work Session

Meeting Date: 02/22/2022

Item Title: Civil Service Exemptions

Submitted For: Nabel Shawa, City Manager Office, Administration

Add'l Contributors:

Project No:

Funding/BARS No.:

Financial Comments:

N/A

Information

HISTORY:

This request is to amend City Code 2.33, which would exempt the positions of chief of police and fire chief from Civil Service coverage. However, the amendment provides that the current chief of police and fire chief are grandfathered in.

All department heads, including police and fire chiefs, directly report to and are subject to the direction of the city manager. For the efficient and fair administration of the city's management team, the manager should have as much discretion with respect to the relationship with the police and fire chiefs as with the public works director, finance director and the other eight directors that compose the City Leadership Team. These directors, like the city manager, are at will employees.

The Legislature recognized that senior management of police and fire organizations should be part of a local government's overall management structure, and not civil service. Top management of a local government recognizes that they serve at the pleasure of the appointing authority. And, if a city council were to disagree with a city manager's decision, it may replace the manager.

Appeals by a chief of discipline or termination decisions to a civil service commission are particularly disruptive to city government. If the CEO loses confidence in a chief, it is not appropriate for a civil service commission to determine differently.

Given the impending retirement of the chief of police in April 2022, and the planned retirement of the fire chief in 2023, this is appropriate timing. It freezes the status of the current chiefs and future chiefs would be aware of this employment condition prior to their hiring.

With the assistance of the Municipal Research Service Center, we conducted a review of Washington cities, in the 20,000 to 100,000 population, to determine how many other cities included their police and fire chiefs in civil service. Walla Walla was the only such city out of fifty-one cities (please see the attached document).

POLICY ISSUES:

A city or town may determine by ordinance that the civil service does not include any fire chief appointed after July 1, 1987, or a police chief appointed after July 1, 1987 (if the police department includes six or more commissioned officers). RCW 41.08.050 (fire) and RCW 41.12.050 (police).

See attached Civil Service Policy Analysis for Exempt Positions document, prepared by P. Stephen DiJulio, for the complete policy analysis.

ALTERNATIVES:

Leave the current City Code as is.

CITY MANAGER COMMENTS:

Approved for City Council workshop discussion.

Attachments

Civil Service Exempt Cities
Civil Service Policy Analysis

**Civil Service status for Chiefs in Washington cities with a population of over
20,000 and under 100,000**

Exempt chiefs from civil service:

Arlington	Kirkland	Olympia
Auburn	Lacey	Pasco
Bainbridge Island	Lake Stevens	Poulsbo
Battle Ground	Lakewood	Port Angeles
Bellingham	Longview	Pullman
Bonney Lake	Lynnwood	Puyallup
Bothell	Marysville	Redmond
Bremerton	Mercer Island	Richland
Camas	Mill Creek	Sammamish
Des Moines	Monroe	Tukwila
Ellensburg	Moses Lake	Tumwater
Ferndale	Mountlake Terrace	Wenatchee
Fife	Mount Vernon	Yakima
Kennewick	Mukilteo	
Kent	Oak Harbor	

Total exempt: **Forty-three**

Includes Chiefs in Civil Service

Walla Walla

Total included: **One**

No Civil Service – Contracts for Police & Fire

Burien
Covington
Kenmore
Maple Valley
SeaTac
Shoreline
University Place

No Civil Service: **Seven**



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MEMORANDUM

TO: City of Walla Walla
FROM: P. Stephen DiJulio
DATE: February 15, 2022
RE: Civil Service Exempt Positions

INTRODUCTION. A city or town may determine by ordinance that the civil service does not include any fire chief appointed after July 1, 1987, or a police chief appointed after July 1, 1987 (if the police department includes six or more commissioned officers). RCW 41.08.050 (fire) and RCW 41.12.050 (police).

Most communities exempt from civil service the chief officer of the police and fire departments. The City of Walla Walla (“City”) has not yet acted on this issue. This memo provided the background for the issue and some points of analysis regarding the decision to exempt the department head (and potentially others) from the civil service.

BACKGROUND. Since 1935 for city fire departments, and 1937 for city police departments, the Legislature has mandated the maintenance of civil service systems. Washington cities and towns have flexibility in maintaining such systems. However, until 1987 that flexibility did not include the exclusion of the department’s chief executive officer from civil service. Prior to legislation allowing cities to exempt the position of chief from civil service, the court in *Samuels v. City of Lake Stevens*, 50 Wn. App. 475, 749 P.2d 187 (1988) ruled narrowly that the city’s effort to exclude the position of chief of police from civil service violated Chapter 41.12 RCW.

Generally, other civil service systems around the country follow a more traditional approach of allowing a limited number of positions to be exempt from civil service. *See*, E. Kaplan, *The Law of Civil Service*, Chapter IV (1958); RCW 41.06.070 (state civil service) and RCW 41.14.070 (county civil service). County Sheriff Civil Service has long provided for a certain number of exempt personnel. *See* RCW 41.14.070. And, the state civil service exempts nearly all the top four or five levels of department administration from the application of the state personnel system.

City police chiefs and fire chiefs were permitted to be exempted from civil service by Chapter 339, Laws of 1987. *See* RCW 41.08.050 and RCW 41.12.050. In 2002, the legislature further amended RCW 41.12.050 to authorize more police positions to be placed in an “unclassified service.” Chapter 143, Laws of 2002. The initial selection of positions to be in the unclassified service and therefore exempt from Civil Service are to be made by the police chief. The chief then notifies the civil service commission of the selection of the unclassified positions. RCW 41.12.050(3). The civil service commission has no jurisdiction to review or approve the chief’s designation. Subsequent changes in the designation of positions not in the unclassified service are subject to the approval of city administration and the civil service commission, after an open meeting. Persons with regular standing in a lower classification prior to appointment to an unclassified position are provided with return rights by the statute. RCW 41.12.050(3). In providing this flexibility, the Legislature recognized that senior management of a police organization should be part of a local government’s overall management structure, and not civil service.¹

DISCUSSION. Over the more than 85 years since the state mandated city civil service systems, there have been few amendments to the base laws. But the Legislature did believe it was important enough to provide that cities may exempt certain senior positions from the civil service. The Legislature stated in providing that authority:

¹ King County voters recently determined to return the position of sheriff as directly appointed by and answerable to the County Executive and not the voters. An independently elected county sheriff position, albeit exempt from civil service, is another anachronistic element of dated systems of local government.

The legislature finds that over the past century the field of law enforcement has become increasingly complex and many new techniques and resources have evolved both socially and technically.

Section 3, Chapter 339, Laws of 1987. The Legislature in that law imposed mandatory standards applicable to hiring such positions of leadership in a police department. Most cities and towns in the state have subsequently exempted police chiefs (and fire chiefs) from civil service. And many cities have designated other positions in the police department as “unclassified.”² Here are some points to further address this issue.

Efficient Management of City Government

Under the council-manager form of government, the city manager is the chief executive officer (CEO) of the city. The city manager is the city’s chief law enforcement officer. RCW 35A.13.080 (4). All department heads, including police and fire chiefs, directly report to and are subject to the direction of the city manager. For the efficient administration of the city’s management team, the manager should have as much discretion with respect to the relationship with the police chief as with the public works director or finance director. As a matter of law, even a city council may not interfere with a city manager’s administration or control of officers and employees of the city. RCW 35A.13.120.³ There is some irony that the elected officials (city councilmembers) may have less authority in this regard than appointed officials (civil service commissioners).

Appeals by a chief of discipline or termination decisions to a civil service commission are particularly disruptive to city government. If the CEO loses confidence in a chief, it is not appropriate for a civil service commission to determine differently.

² That is, the positions are not subject to civil service classification, testing or hiring processes.

³ “Neither the council, nor any of its committees or members, shall direct the appointment of any person to, or his or her removal from, office by the city manager or any of his or her subordinates. Except for the purpose of inquiry, the council and its members shall deal with the administrative service solely through the manager and neither the council nor any committee or member thereof shall give orders to any subordinate of the city manager, either publicly or privately. The provisions of this section do not prohibit the council, while in open session, from fully and freely discussing with the city manager anything pertaining to appointments and removals of city officers and employees and city affairs.”

Alternative Management of Employment of a Chief

Since the 1930s, federal and state employment laws have provided protections to public officers and employees that may once have been denied to them – such denial resulting in the legislative determination to provide for civil service protections. For example, the provisions for a cause-based discipline or removal state that a civil service commission’s investigation shall be confined to that cause, and “the determination of the question of whether such removal, suspension, demotion or discharge was or was not made for **political or religious** reasons” RCW 41.12.090 (emphasis supplied). Any action by a city against a chief based on prohibited political, religious, or other protected-status grounds would be a violation of other law and actionable by the officer subject to such unjust action.⁴

Today, contracts of employment are common among senior management of a city government. The terms of the employment relationship may be negotiated between a city and a prospective chief officer and documented in a binding contract. Alternatively, separate provisions adopted by ordinance may provide for such matters. See RCW 35A.13.090.⁵ Top management of a local government recognize that they serve at the pleasure of the appointing authority. And, if a city council were to disagree with a city manager’s decision, it may replace the manager. RCW 35A.13.130.

LEGACY MEMBERS. We understand the City is considering candidates for the position of police chief. An ordinance adopted prior to the appointment of an individual to that position may exempt that position from civil service. Similarly, the fire chief may also be exempted from civil service. But such a provision would only be made applicable to fire chiefs subsequently appointed, and not to the incumbent presently serving under a civil service appointment.

⁴ See, for example, Washington’s Law against discrimination at Chapter 49.60 RCW, including prohibition on discrimination on the basis of “race, creed, color, national origin, citizenship or immigration status, sex, honorably discharged veteran or military status, sexual orientation, or the presence of any sensory, mental, or physical disability or the use of a trained dog guide or service animal by a person with a disability” RCW 49.60.030.

⁵ “On recommendation of the city manager or upon its own action, the council may create such departments, offices, and employments as it may find necessary or advisable and may determine the powers and duties of each department or office. Compensation of appointive officers and employees may be fixed by ordinance after recommendations are made by the city manager. The appointive officers shall include a city clerk and a chief of police or other law enforcement officer. . . .”

CONCLUSION. Civil service is an anachronistic system that has been replaced for the most part by modern laws, systems of personnel management, and labor and employment contracts. Nevertheless, vestiges of such systems linger in this state. But cities and towns are authorized to modernize in some respects their systems, including the exclusion from the civil service of a fire chief or a police chief and other police positions. RCW 41.08.050 (fire) and RCW 41.12.050 (police).

We trust the foregoing is responsive to the City.